



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:)
)
THOMAS A. MAZZA ET AL.) Group Art Unit: 2676
)
SERIAL NO.: 09/733,141)
) Examiner: H. Nguyen
FILED: 12/08/2000)
)
FOR: TRADING SYSTEM CONTROLLER)
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DECLARATION OF THOMAS A. MAZZA

I, Thomas A. Mazza, declare as follows:

1. I am competent to testify to the following.
2. I am an inventor of the patent application referenced above. I am also an experienced trader of more than 15 years who has used a variety of trading controllers over the years, including the prior art E-Speed control panel, the *Market Depth Trader* from Trading Technologies (referenced below). Below, I compare use of the prior art to the trading controller of the present invention.
3. As a futures trader, I need to process many variables on the trading screen, such as price, quantity, bid/offer size, volume, etc., in a rapid timeframe. The controller of the present invention enhances both trading speed and the amount of information a trader can absorb during trading, which can be critical to successful trading. With the prior art such as shown in U.S. Patent No. 5,243,331 to McCausland, U.S. Patent No. 5,854,624 to Grant, the E-speed control panel, or the *Market Depth Trader* from Trading Technologies, use of a mouse, keyboard or

control panel to enter trades requires multiple key strokes and a shift in vision to complete a trade. The McCausland control panel buttons, like those of E-Speed, do not permit a trader to “maintain substantially constant visual contact” with a visual display, and do not allow a trader to avoid “visually focusing on the control unit during the performance of trading operations,” as recited in pending Claims 1 and 14, for the reasons explained below.

4. McCausland employs a planar base surface keyboard, which is cumbersome and requires the trader to shift his/her vision to the keys to determine which functions must be pressed. This is relatively slow and requires vision shifting to complete a trade without errors. The McCausland keyboard is not designed to enable the trader to readily appreciate which keys are being pressed in a vision-free manner. Grant allows page scrolling and screen manipulation, but is directed to Internet browsing, not trading applications, and fails to provide the facilities disclosed in McCausland in terms of entering/deleting trading information. To take another example of deficiencies in known systems, use of the *Market Depth Trader* requires that the mouse be moved to at least 11 different inputs. In reality, a trader may only need 4-5 of these inputs to trade. However, this still requires that the mouse be moved to numerous locations on the screen for trading, which is inefficient. To enter a trade, a trader must click on a quantity, and then input the quantity as a buy or a sell. To change or cancel the order requires more inputs.

5. Referring to pending Claim 3, McCausland fails to disclose or suggest trading control buttons of different shapes, sizes or textures which will provide the operator with “tactile feedback sufficient to allow the operator to distinguish between the trading control buttons without visually focusing on the buttons.” The McCausland buttons used for trading control are

all square buttons of the same size and shape, with three buttons that are rectangular. These buttons do not meet the "tactile feedback..." claim language because an operator of McCausland is unable to distinguish between various trading control buttons during trading.


6. In contrast, the trading controller of the present invention allows the trader to use both hands, and to concentrate on the main areas of trading on screens located outside the field of vision of the trading controller. The trading controller of the present invention also allows a trader to buy, sell, cancel, trade out, delete, and scroll through the price bar, for example, all by way of a hand-held controller similar to those used on popular video games. The buttons allow the trader to utilize tactile feedback to maintain vision focus on computer screens at all times. The trading controller of the present invention also permits manipulation of price inputs by scrolling a price bar up or down, allowing the rapid entry of buy, sell and cancel orders.

7. The prior art is also distinguishable in terms of its implementation. McCausland requires the presence of a system for trading, attachable to a corporate network (see FIGURE 1 and column 2, line 42 etc., col. 3, lines 47-50 (processing performed on mainframe central "host" servers), col. 5, lines 15 etc.). Trade requests are fed back to a central server where they are processed by a connection to the trading system. In fact, the McCausland system appears intended to provide trading "houses" a way to execute orders among various traders before the trades leak out into public markets. In contrast, the trading system controller of the present invention may constitute a single controller which interacts with the trading system that resides on the trader's desktop, and which may attach to a single PC. The trading controller of the present invention does not require a central system for operation, as with McCausland. New Claims 15-16 are directed to this difference. McCausland also fails to disclose or suggest the

"plate of glass" recitation of Claim 11 and, in fact, teaches away from such a feature due to its failure to interact the control panel with a personal computer.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge and belief.

Executed on: February 5, 2003


Thomas A. Mazza